

**REMARKS**

This response responds to the Office Action dated November 15, 2007, in which the Examiner rejected claims 1-5 under 35 U.S.C. § 103.

Claims 1 and 4 claim a recording apparatus and claim 3 claims a recording method. The recording apparatus and method include (a) recording, at a predetermined position of a first sector, format information indicating that data recorded in a second sector is based upon a second format and (b) recording, at a predetermined position in a third sector, that the format information indicates a first format.

By recording different format information for compressed data of a second format in first and third sectors of a track, as claimed in claims 1 and 3-4, the claimed invention provides a recording apparatus and method which allows a user to recognize that information is recorded in both a DV format and a HD format. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 3-4.

Claims 1-5 were rejected under 35 U.S.C. § 103 as being unpatentable over *Tauchi, et al.* (U.S. Publication No. 2001/0055473).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

*Tauchi, et al.* appears to disclose in FIG. 5 a structure of sectors inside two sub-tracks [0082]. FIG. 7 shows the structure of the main sector [0084]. FIG. 8 shows the structure of the sub-code sector [0090]. As shown in FIG. 8, the MPEG-method recording-signal processing

section 2 adds a 24-bit ID to each sub-code sync block in the sub-code sector and adds a 40-bit parity [0100]. Further, the MPEG-method recording-signal processing section 2 records identification information indicating that the data being recorded is that compressed by a MPEG-method into the ID of the main sector shown in FIG. 7 and into the ID of the sub-code sector shown in FIG. 8 [0101]. FIG. 9 shows an example structure of a reproduction system for reproducing data recorded onto the magnetic tape described above [0108]. An ID detecting section 44 detects data and ID in each sync block of the main sector shown in FIG. 7 and a ID in each sub-code sync block in the sub-code sector shown in FIG. 8 and switches a switch 46 correspondingly to identification information included therein to the side of a digital-8-method reproduction-signal processing section 47 or the side of a MPEG-method reproduction-signal processing section 48 [0110].

Thus, *Tauchi, et al.* merely discloses a first track format in FIGS. 5, 7 and 8 storing ID information and parity information in order to identify during reproduction whether a digital-8-method or a MPEG-method is used to reproduce the information. Nothing in *Tauchi, et al.* shows, teaches or suggests that when data having a second format is recorded in a second sector of a track, format information recorded in the first sector indicates the second format while format information recorded in the third sector indicates the first format as claimed in claims 1 and 3-4. Rather, *Tauchi, et al.* merely discloses storing ID data and parity data to indicate a digital-8-method reproduction processing or a MPEG-method reproduction processing.

*Tauchi, et al.* also discloses in FIG. 10 another track format of a magnetic tape [0041]. FIG. 18 is a view showing the track information of the TIA shown in FIG. 10 [0049]. FIG. 19 is a view showing the structure of the TIA shown in FIG. 10 [0050]. By APT2, APT1 and APT0 the type of data recorded in a track is indicated in the DV format as shown in FIG. 19. For

example, when APT2, APT1 and APT0 are all zero (0), it means the data for commercial video digital cassette recorders is recorded in the track, that is, data having the DV format is recorded. When they are all one (1), it means that the data has not been recorded in the track. Therefore, when all ones (1's) are recorded, a magnetic-tape recording and reproduction apparatus for the DV format substantially operates so as not to read data from the magnetic tape [0128]. In contrast, when a magnetic-tape recording and reproducing apparatus for recording and reproducing the data of a HD video signal reads the magnetic tape 21, if it is determined that APT2, APT1 and APT0 have all 1's, reading processing is executed for the magnetic tape since it is deemed that the data of HD video signal has been recorded [0129].

Thus, *Tauchi, et al.* merely discloses in FIGS. 10, 18 and 19, another track format which determines whether DV format is recorded or HD format is recorded. Nothing in *Tauchi, et al.* shows, teaches or suggests when data having a second format is recorded in a second sector, format information is recorded in the first sector indicating the second format while information recorded in the third sector indicates the first format as claimed in claims 1 and 3-4. Rather, *Tauchi, et al.* merely discloses another track format which determines whether DV video is recorded, or HD video is recorded.

Since *Tauchi, et al.* merely discloses (a) a first track arrangement in FIGS. 5, 7 and 8 used to identify a digital-8-method or a MPEG-method and (b) a second track arrangement to identify a DV format or a HD video format, nothing in *Tauchi, et al.* shows, teaches or suggests when data having a second format is recorded in a second sector, recording format information in a first sector indicating the second format and recording format information in a third sector indicating the first format as claimed in claims 1 and 3-4. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 1 and 3-4 under 35 U.S.C. § 103.

Claims 2 and 5 recite additional features. Applicants respectfully submit that claims 2 and 5 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Tauchi, et al.*, at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2 and 5 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By: 

Ellen Marcie Emas  
Reg. No. 32,131  
Tel. (202) 292-1530

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